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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 THE BILLING RESOURCE, dba
Integretel, a California corporation,

15 Debtor-Plaintiff-Appellee

16 v.

17 FEDERAL TRADE COMMISSION, et al.

18 Defendant-Appellant
19

Case No. 07-CIV-5758-JW

Date: February 5, 2008
Time: 10:00 a.m.
Place: 280 S. First Street
San Jose, CA
Judge: Hon. James Ware
Courtroom 8- 4th Floor

20 On Appeal from the United States Bankruptcy Court for the Northern District of
California,
21 No. 07-52890-ASW, Adversary Proceeding No. 07-5156

22 **PLAINTIFF-APPELLEE THE BILLING RESOURCE, dba INTEGRETEL's**
23 **SECOND NOTICE OF RECENT DEVELOPMENTS PERTINENT TO FTC's**
MOTIONS FOR STAY PENDING APPEAL:

- 24 **(1) PENDING SETTLEMENT AS TO REMAINING DEFENDANTS OTHER THAN**
25 **INTEGRETEL IN FTC ENFORCEMENT ACTION**
26 **(2) ORDER OF FLORIDA DISTRICT COURT REMOVING TRIAL OF FTC**
27 **ENFORCEMENT ACTION FROM TRIAL CALENDAR**
28

1 The Billing Resource d/b/a Integretel ("Integretel") files this Notice to apprise the
2 Court regarding recent developments that are pertinent to the pending motions for stay
3 pending appeal brought by the Federal Trade Commission ("FTC"). These developments
4 are the pending settlement of the remaining defendants other than Integretel in the FTC's
5 action in the U.S. District Court for the Southern District of Florida (the "Florida Action")
6 and the Florida District Court's Order removing the trial in the Florida Action from the
7 court's trial calendar.

8 On February 8, 2008, the FTC and the three remaining defendants filed a Joint
9 Motion to Continue Trial Date and Pre-Trial Deadlines in which they represented that
10 these parties had negotiated proposed settlements that would be considered by the
11 Commission for approval. A copy of the Joint Motion, which is Document 762 on the
12 docket of the Florida Action, is attached hereto as Exhibit A. These parties stated in their
13 motion that trial was scheduled for February 25, 2008 and that the "only claims to be tried
14 at that time are the FTC's claims against" these three defendants, as the "proceedings
15 against the other Defendants in this Action have been either stayed or settled." The Joint
16 Motion requested an order removing the trial from the court's calendar and suspending all
17 remaining pre-trial deadlines.

18 On February 11, 2008, the Florida District Court entered an order granting the Joint
19 Motion. A copy of the Order Granting Joint Motion, which is Document 763 on the
20 docket of the Florida Action, is attached hereto as Exhibit B.

21 Dated: February 15, 2008

22 Respectfully submitted,

23 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

24 By /s/ Steven B. Sacks

25 STEVEN B. SACKS
26 Attorneys for Debtor/Plaintiff/Appellee
27 THE BILLING RESOURCE, dba INTEGRETAL
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EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 06-80180-Civ-Ryskamp/Vitunac

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NATIONWIDE CONNECTIONS, INC., et al.,

Defendants.

**JOINT MOTION TO CONTINUE TRIAL DATE AND PRE-TRIAL DEADLINES
AS TO PLAINTIFF FEDERAL TRADE COMMISSION'S CASE AGAINST
DEFENDANTS YARET GARCIA, ERIKA RIABOUKHA, AND QAADIR KAID**

Plaintiff Federal Trade Commission ("FTC" or "Commission") and Defendants Yaret Garcia, Erika Riaboukha, and Qaadir Kaid hereby jointly move to continue *sine die* the trial date and pre-trial deadlines with respect to the FTC's case against these three Defendants. In support of this motion, the parties state as follows:

1. Trial in this matter is scheduled to commence on February 25, 2008.
2. The only claims to be tried at that time are the FTC's claims against Defendants Garcia, Riaboukha, and Kaid. The proceedings against the other Defendants in this action have been either stayed or settled.
3. Counsel for the FTC and counsel for Defendants Garcia, Riaboukha, and Kaid have negotiated proposed settlements that have been memorialized in Proposed Stipulated Final Judgments ("Proposed Judgments"). Counsel for Defendants Garcia, Riaboukha, and Kaid has communicated the material terms of the Proposed Judgments to his clients, and they have indicated to him their acceptance those terms.
4. Counsel for Defendants Garcia, Riaboukha, and Kaid has represented to counsel for the FTC that his clients have signed or will sign as soon as possible the

Proposed Judgments. Upon receipt of the signed Proposed Judgments, Counsel for the FTC will begin the process of obtaining Commission approval of the Proposed Judgments.

5. In light of the foregoing, the parties believe that a suspension of the trial date and pre-trial deadlines is warranted so that counsel may have sufficient time to obtain Commission approval of the Proposed Judgments.

WHEREFORE Plaintiff FTC and Defendants Garcia, Riaboukha, and Kaid respectfully request that the Court enter an Order removing from the Court's calendar the upcoming trial and suspending all remaining pre-trial deadlines in this matter. A proposed Order is attached for the Court's convenience.

Respectfully submitted,

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COUNSEL FOR DEFENDANTS
 YARET GARCIA, ERIKA RIABOUKHA,
 AND QAADIR KAID

Dated: February 8, 2008

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-80180-Civ-Ryskamp/Vitunac

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NATIONWIDE CONNECTIONS, INC., et al.,

Defendants.

**ORDER GRANTING JOINT MOTION
TO CONTINUE TRIAL DATE AND PRE-TRIAL DEADLINES AND
DENYING SUMMARY JUDGMENT MOTION AS MOOT**

THIS CAUSE came before the Court upon the joint motion of Plaintiff Federal Trade Commission and Defendants Yaret Garcia, Erika Riaboukha, and Qaadir Kaid to continue *sine die* the trial date and pre-trial deadlines with respect to the Plaintiff's case against these three Defendants.

The Court having duly considered the joint motion, and being otherwise being fully advised in the premises, it is hereby **ORDERED** that the joint motion [DE 762] should be and is hereby **GRANTED**. It is further

ORDERED AND ADJUDGED that the November 6, 2007 [DE 670] Motion for Summary Judgment is **DENIED** as **MOOT**. It is further

ORDERED AND ADJUDGED that the summary judgment hearing scheduled for February 20, 2008, is canceled. The specially set trial date beginning on February 25, 2008, shall be removed from the calendar. The remaining pre-trial deadlines are suspended *sine die*.

DONE and **ORDERED** in Chambers, this 11th day of February, 2008.

S/Kenneth L. Ryskamp
KENNETH L. RYSKAMP
United States District Judge